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United Nations High Commissioner for Refugees

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Fifty-seventh session (2-6 October 2006)

General Assembly

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Note

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I. INTRODUCTION

A. Opening of the Session

1. The Executive Committee of the High Commissioner's Programme held its fifty-seventh plenary session at the Palais des Nations in Geneva, from 2 to 6 October 2006. It was opened by the Chairman, His Excellency Ambassador Ichiro Fujisaki (Japan).

2. The Chairman welcomed delegates, especially those representing Jordan and Portugal who were attending their first plenary session as members.

B. Representation on the Committee

3. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lesotho, Nicaragua, Madagascar, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Yemen and Zambia.

4. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Costa Rica, Croatia, Czech Republic, Djibouti, Dominican Republic, El Salvador, Estonia, Gabon, Gambia, Georgia, Guinea-Bissau, Haiti, Honduras, Iceland, Indonesia, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Liberia, Luxembourg, Libyan Arab Jamahiriya, Malawi, Malta, Mauritania, Myanmar, Nepal, Niger, Oman, Panama, Paraguay, Peru, Republic of Moldova, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Arab Emirates, Uruguay, Uzbekistan and Zimbabwe.

5. Palestine and the Sovereign Military Order of Malta were represented as observers.

6. Also present were the following intergovernmental organizations and other entities:

African Union, African, Caribbean and Pacific Group of States, Council of Europe, Economic Community of West African States, European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Francophone Organization, International Organization for Migration, Islamic Educational, Scientific and Cultural Organization, League of Arab States and the Organization of the Islamic Conference.

7. The United Nations system was represented as follows:

United Nations Office at Geneva, Food and Agriculture Organization of the United Nations, Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Human Rights, United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations Volunteers Programme, World Food Programme and the World Health Organization.

8. Some 59 non-governmental organizations attended.

C. Adoption of the Agenda and other Organizational Matters

9. The Executive Committee adopted by consensus the following agenda (A/AC.96/1031):

1. Opening of the session
2. Adoption of the agenda and other organizational matters
3. Introductory statement by the High Commissioner
4. General debate
5. Consideration of reports on the work of the Standing Committee:
   (a) international protection;
   (b) Programme budgets, management, financial control and administrative oversight.
6. Reports relating to inspection and evaluation.
7. Consideration and adoption of the revised Programme Budget for 2006 and the proposed Programme Budget for 2007.
8. Review of the annual consultations with non-governmental organizations.
9. Other statements.
10. Meetings of the Standing Committee in 2007.
11. Consideration of the provisional agenda of the fifty-eighth session of the Executive Committee.
12. Election of officers.
13. Any other business.
14. Adoption of the report of the fifty-seventh session of the Executive Committee.
15. Closing of the session.

D. Election of Officers for the 58th Session

10. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation, to serve the Committee from the day immediately following their election to the end of the last day of the following annual plenary session:

Chairman:	H.E. Ambassador Love Mtesa (Zambia)
Vice-Chairman:	H.E. Ambassador Wegger Strømmen (Norway)
Rapporteur:	Ms. Emina Tudakovic (Canada)

11. The Chairman-elect, H.E. Ambassador Mtesa made a brief statement in which he called upon all members of the Executive Committee to work together and support the new Bureau in carrying forward the work of the Committee in a manner that would improve the delivery of protection and assistance to the people of concern to UNHCR and the international community.

II. WORK OF THE FIFTY-SEVENTH SESSION

12. The High Commissioner delivered his opening statement in which he commented on a number of internal and external challenges and UNHCR's position in relation to these. He spoke of UNHCR's engagement as a partner in the new joint approach by the United Nations system and the broader international community to helping internally displaced persons worldwide. The collective response had already been instrumental in the return of hundreds of thousands of internally displaced people, and lessons learned from pilot countries would help guide future action.

13. Despite progress in some situations, however, the High Commissioner considered that the desperate need for protection and assistance of the internally displaced in Sudan's Darfur region reflected the need for a clear framework for the exercise of the "responsibility to protect". He cited the central importance of preserving the institution of asylum in a rapidly changing world, opposing all forms of *refoulement* and ensuring respect for international refugee law, and acknowledged efforts by governments and other partners in addressing the protection needs of refugees.

14. With regard to mixed migration flows, he emphasized that UNHCR did not intend to become a migration management agency but that the Office's role was to help create the environment where refugees could be detected and granted access to asylum procedures and fair treatment of their claims. Having helped find solutions for hundreds of thousands of refugees in the past year, mostly through voluntary repatriation, UNHCR was very concerned about the sustainability of return for those going back to devastated countries emerging from conflict. The High Commissioner cited a number of countries which required sustained international assistance. Finally, he outlined UNHCR's institutional reform efforts aimed at lowering fixed costs and ensuring that maximum resources went to beneficiaries.

15. The full text of the High Commissioner's statement is available on UNHCR's website (www.unhcr.org).

16. A summary of the general debate, delivered by the Chairman, is found in Annex II.[1]

[1] See summary records of the session for a full account of the deliberations of the Committee, including the statements or other interventions by delegations under all agenda items, and their comments on the draft conclusions and decisions, as well as summing up and closing statements by the High Commissioner and by the Chairman.

III. CONCLUSIONS AND DECISIONS OF THE EXECUTIVE COMMITTEE

A. Conclusion on Women and Girls at Risk

17. *The Executive Committee*,

Recalling its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL) and 64 (XLI) on refugee women, Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII) on refugee children and/or adolescents, Nos. 73 (XLIV) and 98 (LIV) on refugee protection and sexual violence and protection from sexual abuse and exploitation respectively, and No. 94 (LIII) on the civilian and humanitarian character of asylum,

Recalling that Security Council resolution 1325 (2000) on women and peace and security and the subsequent Action Plan (S/2005/636) provide an integrated framework for a consolidated international and UN-wide response to this challenge, that Security Council resolution 1261 (1999) and five subsequent resolutions on children and armed conflict, call on governments, parties to a conflict and other organizations, including UN bodies, to take wide-ranging action to protect children in armed conflict and afterwards, and that Security Council resolutions 1265 (1999), 1296 (2000) and 1674 (2006), similarly call on parties to armed conflict to ensure the protection of affected civilians, including women and children,

Acknowledging that, while forcibly displaced men and boys also face protection problems, women and girls can be exposed to particular protection problems related to their gender, their cultural and socio-economic position, and their legal status, which mean they may be less likely than men and boys to be able to exercise their rights and therefore that specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys,

Recalling that the protection of women and girls is primarily th responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions; and that all action on behalf of women and girls must be guided by obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law,

Bearing in mind Conclusion No. 75 (XLV) on internally displaced persons and *noting* that the protection challenges for internally displaced persons (IDPs) and refugees may differ, that the normative legal frameworks for their protection are different, that humanitarian access to internally displaced persons can be more difficult, that internally displaced women and girls are more likely to be caught in armed conflict and may face specific protection risks as a result and that the responses and solutions available to refugee and internally displaced women and girls may be different,

Recognizing that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

Acknowledging that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and non-governmental

organizations, together with displaced and host communities, are integral to effective identification, responses, monitoring and solutions,

Acknowledging that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

Reaffirming its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance, and of durable solutions, based on international solidarity, cooperation, burden and responsibility sharing and the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the risks women and girls face,

Acknowledging that forced displacement tends to expose individuals to particular risks, *recognizing* the specific needs of women and girls, *noting* that this Conclusion applies to women and girls who are refugees, asylum-seekers or IDPs assisted and protected by UNHCR, who find themselves in situations of heightened risk, and *further* that it could also be applied, as appropriate, to returnees of concern to UNHCR,

(a) *Adopts* this Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and *recommends* that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

Identification of women and girls at risk

(b) Forced displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights. These can be present in the wider protection environment and/or be the result of the individual's particular circumstances, as outlined below.

(c) Identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and implemented. Identification can present particular challenges because women and girls are often less visible in displaced populations than men and boys, they may not be or feel able to report protection incidents, particularly if these occur in the private domain. It is therefore important to ensure an enabling environment which supports continuing identification and analysis of the situation.

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of

women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;

iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;

iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;

v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;

vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,[2] including through provision of quality health services to address the specific needs of women and girls at risk;

ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;

iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;

iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;

v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and

vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;

ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and

iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

Individual responses and solutions

(m) Recommended actions by States, UNHCR, other relevant agencies and partners to respond to the situation of individual women and girls at risk are listed non-exhaustively below.

[2] See for example UNHCR "Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response", 2003; Inter-Agency Standing Committee (IASC) "Guidelines for Gender-based Violence Interventions in Humanitarian Settings", 2005.

(n) Ensuring early identification and immediate response involves partnerships and actions to:

i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;

ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators, provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and

iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

i. monitor on an ongoing basis initiatives taken with regard to individual safety, well-being and needs and ensure accountability for actions taken;

ii. help secure the access of women and girls at risk to justice and reduce impunity, including by advising, accompanying and supporting them through initiatives such as women's legal clinics, local women's associations, witness relocation programmes and mobile courts in remote areas; and

iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

(p) Recommended longer-term responses and solutions include partnerships and actions to:

i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;

ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;

iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;

iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country, for

internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

B. Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons

18. *The Executive Committee*,

Remaining deeply concerned with the persistence of statelessness problems in various regions of the world and the emergence of new situations of statelessness,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality and noting that the issue of statelessness is already under consideration by the United Nations General Assembly within the broad issue of State succession,[4]

Expressing concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

Noting that despite some progress, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness have only been ratified or acceded to by a limited number of States, sixty and thirty-two States respectively,

Recalling the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

Recalling that all human beings are born free and equal in dignity and they are entitled to the rights and freedoms enshrined in the Universal Declaration of Human Rights, without distinction of any kind,

Reaffirming the responsibilities given to the High Commissioner by the United Nations General Assembly to contribute to the prevention and reduction of statelessness and to further the protection of stateless persons,

Recalling its Conclusion No 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons as well as Conclusions 90 (LII), 95 (LIV), 96 (LIV), and Conclusions 99 (LV) and 102 (LVI) with regard to solving protracted statelessness situations,

[4] Resolution 55/153 of 2000, Nationality of natural persons in relation to the succession of States.

(a) *Urges* UNHCR, in cooperation with governments, other United Nations and international as well as relevant regional and non-governmental organizations, to strengthen its efforts in this domain by pursuing targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons;

Identification of Statelessness

(b) *Calls on* UNHCR to continue to work with interested Governments to engage in or to renew efforts to identify stateless populations and populations with undetermined nationality residing in their territory, in cooperation with other United Nations agencies, in particular UNICEF and UNFPA as well as DPA, OHCHR and UNDP within the framework of national programmes, which may include, as appropriate, processes linked to birth registration and updating of population data;

(c) *Encourages* UNHCR to undertake and share research, particularly in the regions where little research is done on statelessness, with relevant academic institutions or experts, and governments, so as to promote increased understanding of the nature and scope of the problem of statelessness, to identify stateless populations and to understand reasons which led to statelessness, all of which would serve as a basis for crafting strategies to addressing the problem;

(d) *Encourages* those States which are in possession of statistics on stateless persons or individuals with undetermined nationality to share those statistics with UNHCR and *calls on* UNHCR to establish a more formal, systematic methodology for information gathering, updating, and sharing;

(e) *Encourages* UNHCR to include in its biennial reports on activities related to stateless persons to the Executive Committee, statistics provided by States and research undertaken by academic institutions and experts, civil society and its own staff in the field on the magnitude of statelessness;

(f) *Encourages* UNHCR to continue to provide technical advice and operational support to States, and to promote an understanding of the problem of statelessness, also serving to facilitate the dialogue between interested States at the global and regional levels;

(g) *Takes note* of the cooperation established with the Inter-Parliamentary Union (IPU) in the field of nationality and statelessness, and *notes further* the 2005 *Nationality and Statelessness Handbook for Parliamentarians* which is being used in national and regional parliaments to raise awareness and build capacity among State administrations and civil society;

Prevention of Statelessness

(h) *Calls* on States to facilitate birth registration and issuance of birth or other appropriate certificates as a means to providing an identity to children and where necessary and when relevant, to do so with the assistance of UNHCR, UNICEF, and UNFPA;

(i) *Encourages* States to consider examining their nationality laws and other relevant legislation with a view to adopting and implementing safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality, and *requests* UNHCR to continue to provide technical advice in this regard;

(j) *Notes* that statelessness may arise as a result of restrictions applied to parents in passing on nationality to their children; denial of a woman's ability to pass on nationality; renunciation without having secured another nationality; automatic loss of citizenship from prolonged residence abroad; deprivation of nationality owing to failure to perform military or alternative civil service; loss of nationality due to a person's marriage to an alien or due to a change in nationality of a

spouse during marriage; and deprivation of nationality resulting from discriminatory practices; and *requests* UNHCR to continue to provide technical advice in this regard;

(k) *Stresses* that in the event of State succession, the concerned States put in place appropriate measures to prevent statelessness situations from arising as a result and take action to address such situations;

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

(m) *Calls upon* States Parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, to respect their obligation to assist in verifying the nationality of the persons referred to them who have been smuggled or trafficked with a view to issuing travel and identity documents and facilitating the return of such persons; and, *encourages* other States to provide similar assistance;

Reduction of Statelessness

(n) *Encourages* States to give consideration to acceding to the 1961 Convention on the Reduction of Statelessness and, in regard to States Parties, to consider lifting reservations;

(o) *Encourages* UNHCR to reinforce its cooperation with other relevant United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations;

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

(q) *Encourages* States to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind Article 7 of the Convention on the Rights of the Child (CRC), and *further encourages* UNHCR to cooperate with UNICEF and UNFPA to provide technical and operational support to this end;

(r) *Encourages* States to actively disseminate information regarding access to citizenship, including naturalization procedures, through the organization of citizenship information campaigns with the support of UNHCR, as appropriate;

Protection of Stateless Persons

(s) *Encourages* States to give consideration to acceding to the 1954 Convention relating to the Status of Stateless Persons and, in regard to States Parties, to consider lifting reservations;

(t) *Requests* UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons;

(u) *Encourages* States which are not yet Parties to the 1954 Convention relating to the Status of Stateless Persons to treat stateless persons lawfully residing on their territory in accordance with international human rights law; and to consider, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation;

(v) *Encourages* UNHCR to implement programmes, at the request of concerned States, which contribute to protecting and assisting stateless persons, in particular by assisting stateless persons to access legal remedies to redress their stateless situation and in this context, to work with NGOs in providing legal counselling and other assistance as appropriate;

(w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also *calls on* States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;

(x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.

C. General Decision on Administrative, Financial and Programme matters

19. *The Executive Committee*,

(a) *Confirms* that the activities proposed under the Annual Programme Budget for the year 2007, as set out in document A/AC.96/1026, have been found on review to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees;

(b) *Recalls* the decision of its Standing Committee, at its 36th meeting, on the review of the Operational Reserve Category II, and *decides* to replace the latter with a new Annual Programme Budget category for "New or additional activities - mandate-related" with an appropriation level of up to $50 million, and *authorizes* UNHCR to charge an overhead charge of 7 per cent on contributions to the new budget category;

(c) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2007 Annual Programme Budget amounting to $1,032,926,300 including the United Nations Regular Budget contribution towards Headquarters costs, an Operational Reserve of $89,356,900 (representing 10 per cent of programmed activities) and $50 million for "New or additional activities - mandate-related"; *notes* that these provisions, together with those of $10.0 million for Junior Professional Officers, bring total requirements in 2007 to $1,042,926,300; and *authorizes* the High Commissioner within this total appropriation, to effect adjustments in Regional Programmes, Global Programmes and the Headquarters budgets;

(d) *Approves* the revised Annual Programme Budget for the year 2006 amounting to $1,136,797,000 (which includes the United Nations Regular Budget contribution of $32,873,500), which with the provisions for Junior Professional Officers of $10.0 million as well as the needs under Supplementary Programmes in 2006 of $288,007,800, bring total requirements in 2006 to $1,434,804,800 (Table 1.3);

(e) *Notes* the Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2005 (A/AC.96/1025), and the High Commissioner's Measures Taken or Proposed in Response to the Recommendations of the Report of the Board of Auditors (A/AC.96/1025/Add.1); as well as the Report of the ACABQ on UNHCR's Annual Programme Budget for the year 2007 (A/AC.96/1026/Add.1), the various reports of the High Commissioner related to oversight activities (A/AC.96/1027, 1028 and 1029), and *requests* to be kept regularly

informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(f) *Calls on* UNHCR to keep its administrative expenditure under continual review with a view to reducing it as a proportion of total expenditure;

(g) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Annual Programme Budget for the year 2007, and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue Special Appeals;

(h) *Notes* the planned continuation in 2007 of Supplementary Programmes for the benefit of Internally Displaced Persons (IDPs) in Chad, Liberia, Somalia, Uganda, the Democratic Republic of the Congo (DRC), Nepal and Colombia, as well as under the Global Cluster Appeal, and of other planned Supplementary Programmes for the protection of and provision of assistance to refugees and IDPs in Darfur, the return and reintegration of Sudanese refugees to Southern Sudan and the protection of IDPs in the Khartoum and Kassala states of Sudan; the repatriation and reintegration of Congolese (DRC) refugees; the Iraq Operation; and the UNHCR/MINURSO Western Sahara Confidence-Building Measures Operation;

(i) *Requests* the Bureau, in consultation with the Office, to complete informal consultations by the March Standing Committee in order to finalize the criteria for the inclusion or non-inclusion of Supplementary Programme Budgets for refugee or refugee-related programmes in the Annual/Biennial Programme Budget;

(j) *Further requests* the Bureau, in consultation with the Office, to continue informal consultations on how Supplementary Programme Budgets could be best managed in order to support UNHCR's role as cluster lead in certain internal displacement situations;

(k) *Acknowledges* with appreciation the burden that continues to be shouldered by developing and least developed countries hosting refugees, and *urges* Member States to recognize this valuable contribution to the protection of refugees and to participating in efforts to promote durable solutions; and further *acknowledges* the valuable contribution of resettlement countries to providing durable solutions for refugees; and

(l) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2007 Annual Programme Budget; and to support initiatives to ensure that the Office is resourced in a better and more predictable manner, while maintaining "earmarking" to a minimum level.

D. Decision on the Programme of Work of the Standing Committee in 2007

20. *The Executive Committee*,

Having reviewed the issues before it at its fifty-seventh session, and bearing in mind the decisions and conclusion adopted at that session,

(a) *Decides* to convene no more than three formal meetings of the Standing Committee in 2007, to be held in February/March, June/July and September;

(b) *Reaffirms* its decision on the framework for the Standing Committee's programme of work (A/AC.96/1003 paragraph 25, sub-paragraph 2(c)), *authorizes* the Standing Committee to add and delete items, if appropriate, to this framework for its meetings in 2007 and *requests* member States

to meet in December 2006 to draw up a detailed workplan for formal adoption by the Standing Committee at its first meeting in 2007;

(c) *Calls on* the Office of the High Commissioner to be explicit and analytical in its reports and presentations to the Committee to enable a substantive and interactive debate at the Executive Committee and its Standing Committee and to submit documentation in a timely manner to facilitate effective decision making by the Committee;

(d) *Further calls* on the Office of the High Commissioner to consult with the Committee with regard to the structural and management change process through informal consultative meetings as well as at Standing Committee meetings;

(e) *Calls* on the Bureau, in consultation with the Office, to continue informal consultations on the nature and value of Executive Committee conclusions on international protection, including to review the process leading to their adoption and the effectiveness of this process with regard to contributions by Standing Committee Observers, so that the Committee may take a decision on the question at its fifty-eighth session;

(f) *Requests* the Bureau, in cooperation with the Office, to resume and finalize before the fifty-eighth plenary session of the Executive Committee informal consultations to investigate options for extending the input in the work of the Executive Committee from NGOs which are implementing or operational partners of UNHCR;

(g) *Further requests* the Standing Committee to report on its work to the fifty-eighth session of the Executive Committee.

E. Decision on the Provisional Agenda of the Fifty-Eighth Session of the Executive Committee

21. *The Executive Committee*,

Recalling its decision on working methods adopted at its fifty-fifth plenary session (A/AC.96/1003 paragraph 25),

Decides to adopt as the provisional agenda for the fifty-eighth session of the Executive Committee the standard model contained in sub-paragraph 1(f) of the above-mentioned decision.

F. Decision on observer participation in meetings of the Standing Committee in 2006-2007

22. *The Executive Committee*,

(a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2006 to October 2007:

Azerbaijan, Bosnia and Herzegovina, Burundi, Costa Rica, Croatia, Czech Republic, Dominican Republic, El Salvador, Estonia, Indonesia, Latvia and Peru;

(b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2006 to October 2007:

United Nations specialized agencies, departments, funds and programmes, European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States and the International Centre for Migration Policy Development, Organization of Eastern Caribbean States, International Organization of la Francophonie.

ANNEX I

Decisions adopted by the Standing Committee in 2006

In accordance with the authority vested in it by the Executive Committee, the Standing Committee adopted a number of decisions which are annexed to the reports of the different Standing Committee meetings, as follows:

(a) Report of the Thirty-fifth Meeting of the Standing Committee (A/AC.96/1022)

i. Decision on programme budgets and funding in 2006
ii. Decision on UNAIDS global task team recommendations

(b) Report of the Thirty-sixth Meeting of the Standing Committee (A/AC.96/1032)

i. Decision on overall programme budgets and funding for 2006
ii. Decision on Operational Reserve Category II
iii. Decision on the five global priorities for refugee children
iv. Decision on ensuring adequate nutrition for refugees

(c) Report of the Thirty-seventh Meeting of the Standing Committee (A/AC.96/1034)

i. Decision on UNHCR's programme in the United Nations Proposed Strategic Framework for the period 2008-2009
ii. Decision on staff safety and security management.

ANNEX II

Chairman's Summary of the General Debate

Working together was a key theme of this year's debate. The Executive Committee noted the many challenges facing UNHCR and encouraged the Office to build its partnerships with governments, the United Nations and other intergovernmental bodies, and non-governmental organizations (NGOs), whether in response to critical protection challenges involving refugees or internally displaced persons, in upholding the institution of asylum in the face of complex mixed migration situations, or in finding appropriate and sustainable solutions for persons of concern.

Many States welcomed the High Commissioner's six priority areas, including his commitment to strengthen UNHCR's identity as a protection agency. They renewed their support for the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and expressed general support for efforts to address issues of statelessness.

Many delegations noted the numbers of refugees decreasing while the numbers of internally displaced persons (IDPs) of concern to the UNHCR were increasing. While recognizing that the primary responsibility for IDPs lay with the governments concerned, delegations called upon the international community to respond as well, from a humanitarian viewpoint. Many delegations also expressed support for UNHCR's enhanced role in protecting IDPs under the cluster approach. Nevertheless, some recalled that the Office's core mandate was for refugees and should remain so. The importance of involving all stakeholders in the process was underlined, and delegations called for greater clarity regarding the evolution of UNHCR's involvement with IDPs, including evaluation of the initial experiences in the four roll-out pilot countries. Further consultation with members was required on these issues, as well as on determining budgetary mechanisms for funding IDP situations.

With regard to the asylum-migration nexus, there were numerous calls for ensuring the protection of refugees and the institution of asylum in mixed or irregular migration flows. Several delegations encouraged UNHCR to follow up on the High Level Dialogue on Migration and to continue to be active in the Global Migration Group. Many expressed support for the 10-Point Plan of Action adopted at Rabat, Morocco earlier in the year. Some other delegations objected and reserved their positions on the 10-Point Action Plan, calling for discussions and eventual negotiations on it.

There was widespread support for the High Commissioner's emphasis on solutions, with particular focus on the voluntary and sustainable nature of returns and an enhanced role for resettlement. Other major points raised by delegations included the need for international responsibility and burden sharing; the need to address protracted refugee situations; the link between relief and development and the importance of supporting refugees' return after conflicts have ended; and the value of regional approaches to the search for durable solutions. Within this broader context, there was particular emphasis on supporting the Office's focus on age, gender and diversity mainstreaming, and many delegations welcomed the attention to the issue of women and girls at risk. Appreciation for the generosity of donors and refugee-hosting countries was also expressed.

Funding issues also remained prominent amongst the Office's preoccupations. Delegations expressed concern over the continuing gap between programme needs and available resources, and supported the broadening of the funding base along with greater private sector involvement. There were renewed calls for unearmarked funding. UNHCR was encouraged to continue seeking support through the Central Emergency Response Fund, notably with regard to its impact on

addressing the needs of "forgotten emergencies". Some delegations indicated a commitment to increase funding to UNHCR.

In the face of these new and ongoing challenges and commitment of support by member States, the High Commissioner recognized that UNHCR must become a more flexible, effective and results-oriented organization. Consequently, UNHCR has launched a thorough review and reform of its procedures and structure. Delegations strongly supported this push for structural and management reform. They called for closer consultation with ExCom members and noted the need to institutionalize results-based management and move resources closer to the point of operations. They also noted the importance of maintaining staff morale and stressed the need to continue consultation with staff.

During the dialogue, while acknowledging certain specific aspects of many critical humanitarian situations, the High Commissioner reminded the Committee that security and protection requirements remained the same for every affected civilian population and appealed for humanitarian considerations to prevail.

Numerous countries commented on programmes and activities they had been carrying out on behalf of refugees and other persons of concern to the Office, often in cooperation with UNHCR, NGOs and other partners. It was stressed that NGOs were equal, strategic partners with UNHCR. This bodes well for future collaboration and stronger partnerships for UNHCR as it seeks to assist people in need of protection in an increasingly complex global environment.

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